



UNITED STATES PATENT AND TRADEMARK OFFICE

W
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,769	03/21/2000	Donald Michael Vernon-Woods		7411

7590 07/21/2003

Donald Michael Vernon-Woods
Para Hills West
2 McBryde Court
Adelaide, 5096
AUSTRALIA

[REDACTED] EXAMINER

SANDY, ROBERT JOHN

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3677

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/531,769	Applicant(s) Vernon-Woods
Examiner Robert J. Sandy	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 Aug 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 2 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 2 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 Aug 2001 is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

THIS ACTION IS RESPONSIVE TO THE AMENDMENT FILED 20 AUGUST 2001.

- ◆ Claim 1 was canceled.
- ◆ Claim 2 was added and is currently pending

1. Acknowledgment is recognized of applicant's authorization to communicate via electronic mail in the paper received 20 August 2001.
2. Please note: As a matter of information, the Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to **Art Unit 3677**.

Priority

3. As stated in the Office action mailed on 14 March 2001, acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Australia on February 17, 1999. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter. It further noted that applicant has not filed a certified copy of the Australian application as required by 35 U.S.C. 119(b).

Drawings

4. The proposed substitute sheets of drawings, filed on 8/20/2001 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of the curved/radiused features circled in red in the attached marked-up copy of the proposed drawing sheet (See Appendix). The original disclosure and written specification did not support the belt hook having the curved-radiused (i.e., rounded) portions at the proximal ends of the planar members comprising the hook. The originally filed drawing sheets support a disclosure of the belt hook device having planar members, where each of the body back, body front and rest are rectangular shaped planar members, and the rest guard

being a planar member having a tapered distal end portion, as shown in Fig. 4 of one of the two originally filed drawing sheets. Consequently, the proposed substitute drawing sheet has not been approved for entry.

Specification

5. The amendment filed 8/20/2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The insertion of “thermoplastic material” to replace “polypropylene” constitutes new matter since *thermoplastic material* encompasses a myriad of polymer structures, such as polyesters and polyethylenes (HDPE, LDPE), polyvinyl chloride (PVC), which were not originally supported in the originally filed disclosure and written specification.

Also, the deletion of the originally section of the written specification labeled “Detailed Description” which discloses dimensions of “Body length; 117mm, body width; 21mm; Rest width; 20mm, rest guard length; 30mm, rest angle to body; 25 degrees, material thickness; 3mm” constitutes new matter since the proposed substitute Specification is silent of the dimensional characteristics, which would infer that the claimed belt hook is subject to a variation of dimensional characteristic not otherwise supported in the originally filed written specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

6. The specification is further objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The proposed substitute specification fails to provide antecedent basis for the “belt hook having a body back, body front and brace” as recited in claim 2, line 2.

7. The Examiner recommends applicant to file a Continuation-in-Part Application under 35 U.S.C. 120 and 37 CFR 1.78 if applicant intends to pursue the claimed invention having the structural features disclosed and supported by the proposed substitute specification and drawings which adds new matter (as mentioned above) not presented in the originally filed application.

Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as to the following:

In claim 2, line 6, the phrase “the static said belt hook” to understood in its meaning, and therefore is indefinite.

Recitation of “a brace” in line 3 of claim 2 appears to be a double inclusion of the same claimed structure of a “brace” recited in line 2 of the same claim.

Recitation of “the horizontal” is undefined in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 2, so far as definite, is rejected under 35 U.S.C. 102(b) as being anticipated by Mesna et al. (U.S. Patent No. 5,509,632). Mesna et al ('632) discloses a hook (see Figures 1 and 2), which is capable of being used as a belt hook and retaining a article thereon, comprising a belt hook and retaining hook; the belt hook having a body back, body front and brace, the body back and the body front are joined at their tops [by the brace], and spaced by [the] brace affording the body front and the body back with enough flexibility to clear the thickness of a belt and return to, or exert a force in the direction [the unflexed state] of the belt hook, and the retaining hook

having a rest and a rest guard where the rest is joined to the body at an acute angle [relative to the brace], the rest guard projecting from the end of the rest to aid in retaining the spray applicator.

11. Claim 2, so far as definite, is rejected under 35 U.S.C. 102(b) as being anticipated by Mead (U.S. Patent No. 2,832,114). Mead ('114) discloses a hook (see Figures 1 and 2), which is capable of being used as a belt hook and retaining a article thereon, comprising a belt hook and retaining hook; the belt hook having a body back, body front and brace, the body back and the body front are joined at their tops [by the brace], and spaced by [the] brace affording the body front and the body back with enough flexibility to clear the thickness of a belt and return to, or exert a force in the direction [the unflexed state] of the belt hook, and the retaining hook having a rest and a rest guard where the rest is joined to the body at an acute angle [relative to the brace], the rest guard projecting from the end of the rest to aid in retaining the spray applicator.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is (703) 305-7413. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann, can be reached on (703)306-4115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer

Application/Control Number: 09/531,769
Art Unit: 3677

Page 6

Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to: 703-872-9327, for formal communications for entry after Final action.

For informal or draft communications, please label “**PROPOSED**” or “**DRAFT**” and fax to: 703-746-3767, and notify the examiner by telephone that a fax has been sent.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).



ROBERT J. SANDY
PRIMARY EXAMINER

* * * * *



Application/Control Number: 09/531,769
Art Unit: 3677

Page 7

APPENDIX

Not Approved - Do not enter.
- New Matter - circled in Red

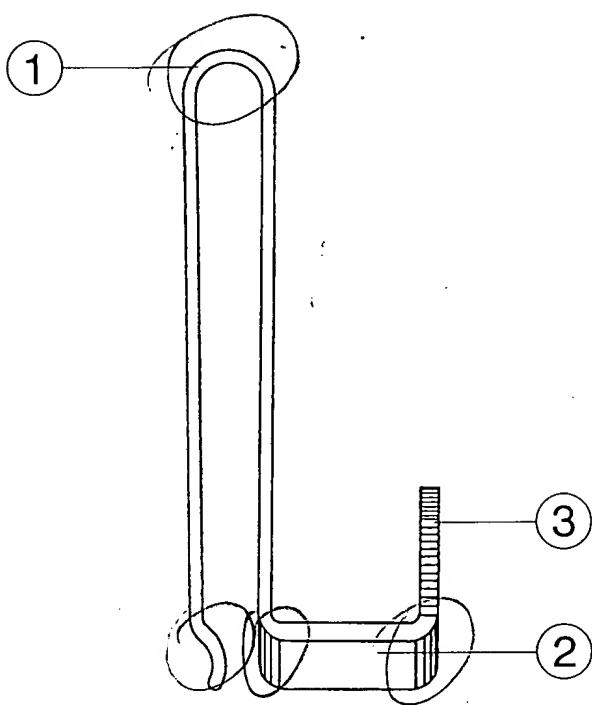


Fig. 1

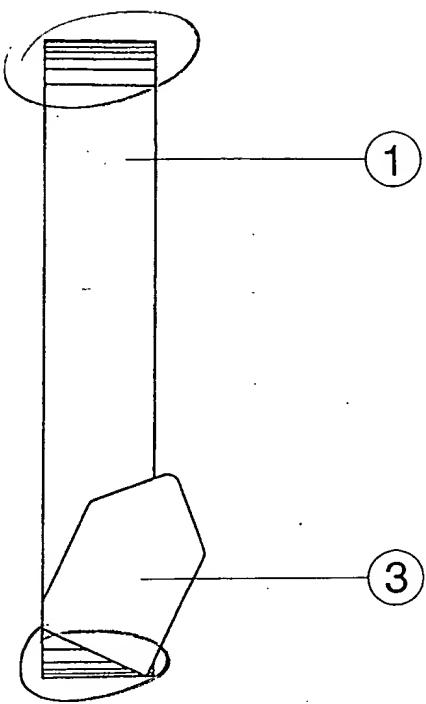


Fig. 2

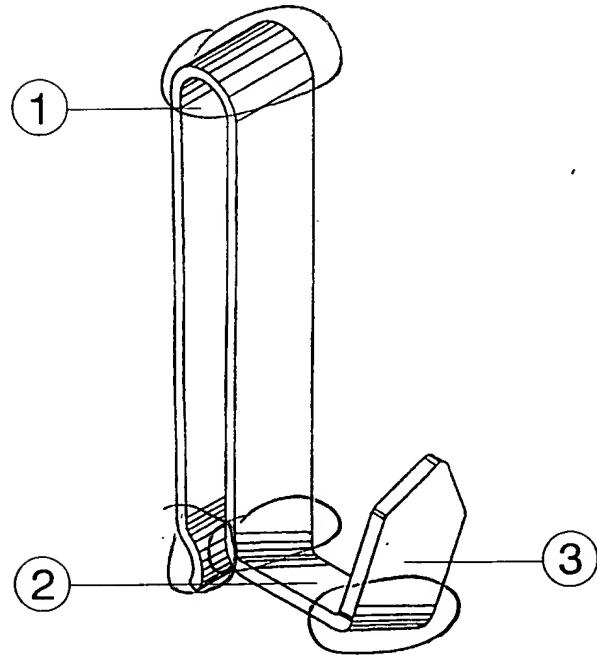


Fig. 3

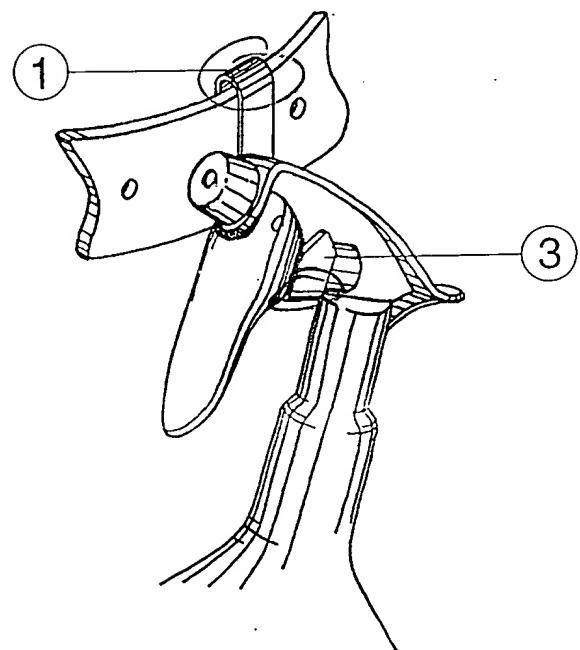


Fig. 4